

Please Direct All Correspondence to Customer Number **20995**

### AMENDMENT / RESPONSE TRANSMITTAL

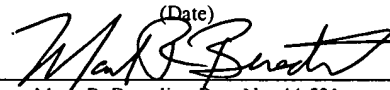
Applicant : Carol O. Cowing  
 App. No : 09/809,158  
 Filed : March 15, 2001  
 For : METHOD TO ENHANCE THE  
 IMMUNOGENICITY OF AN  
 ANTIGEN  
 Examiner : Canella, Karen A.  
 Art Unit : 1643

#### CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

October 5, 2005

(Date)

  
 Mark R. Benedict, Reg. No. 44,531

#### Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing in the above-identified application are the following enclosures:

(X) A Supplemental Amendment and Interview Summary in 12 pages.

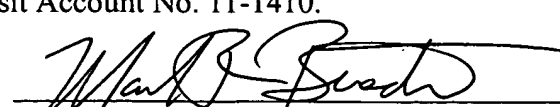
The fee has been calculated as shown below:

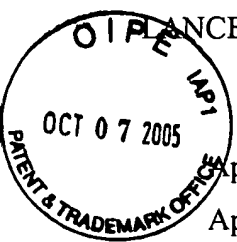
The present application qualifies for Small Entity Status under 37 CFR 1.27.

FEE CALCULATION				
FEE TYPE		FEE CODE	CALCULATION	TOTAL
Excess Claims	26 - 59 = 0	2202 (\$25)	0 x 25 =	\$0
Excess Independent	2 - 2 = 0	2201 (\$100)	0 x 100 =	\$0
TOTAL FEE DUE				\$0

(X) Return prepaid postcard.

(X) Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

  
 Mark R. Benedict  
 Registration No. 44,531  
 Attorney of Record  
 Customer No. 20,995  
 (949) 760-0404



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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Carol O. Cowing  
Appl. No. : 09/809,158  
Filed : March 15, 2001  
For : METHOD TO ENHANCE THE  
IMMUNOGENICITY OF AN  
ANTIGEN  
Examiner : Canella, Karen A.  
Group Art Unit : 1643

SUPPLEMENTAL AMENDMENT AND INTERVIEW SUMMARY

**Mail Stop Amendment**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Official Action mailed March 9, 2005, the subsequent Notice of Non-Compliant Amendment mailed August 23, 2005, and a personal interview on September 22, 2005, Applicant responds as follows:

**Statement of the Substance of the Interview** is provided on page 2 of this paper.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 3 of this paper.

**Remarks/Arguments** begin on page 7 of this paper.

**Appl. No.** : **09/809,158**  
**Filed** : **March 15, 2001**

## **STATEMENT OF THE SUBSTANCE OF THE INTERVIEW**

Applicant wishes to thank Examiner Canella for extending the courtesy of a personal interview to Applicant and her representative, Mark Benedict, on September 22, 2005.

Applicant discussed with the Examiner the outstanding rejections under 102(b) over Dearman. Applicant pointed out that Dearman failed to teach introducing an antigen into a mammal by disrupting the stratum corneum. To address the Examiner's concern (Office Action dated March 9, 2005; page 9) that Applicant lacked support for a claim reciting disrupting the stratum corneum, Applicant directed the Examiner's attention to the supporting passages in the specification (e.g., page 10, beginning line 28; page 23, line 22-29). The Examiner agreed that Applicant had support for the step of introducing antigen by disrupting the stratum corneum and agreed that such a limitation was not anticipated by Dearman.

Applicant also discussed possible future rejections under 103(a) over Dearman in view of a hypothetical reference teaching the step of introducing antigen by injection. Applicant pointed out that Dearman teaches that topical application of dibutyl phthalate in the absence of antigen fails to activate dendritic cells (e.g., Dearman page 25, RESULTS, last sentence of 1<sup>st</sup> para; last sentence of 3<sup>rd</sup> para; page 28 DISCUSSION, 2<sup>nd</sup> sentence), and that dibutyl phthalate may be useful only as a means to enhance antigen penetration. Thus, Applicant suggested that one skilled in the art reading Dearman would be discouraged from administering a topical treatment (e.g., dibutyl phthalate) in the absence of antigen to activate dendritic cells. Accordingly, the Examiner indicated that claims reciting a step of introducing the antigen by disrupting the stratum corneum, and a step of administering a topical treatment, which in the absence of an antigen was sufficient to activate dendritic cells, would not be obvious over Dearman et al. in view of a reference teaching the step of introducing antigen by injection.